

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

100-13-1 P 4:50

IN RE PHARMACEUTICAL INDUSTRY)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	NOT COURT
LITIGATION)	MASS.
)	Master File No. 01-CV-12257-PBS
)	
THIS DOCUMENTS RELATES)	Judge Patti B. Saris
TO ALL ACTIONS)	
)	

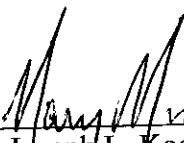
**THE TOGETHER RX DEFENDANTS’ MOTION TO DISMISS
COUNTS V, VI, VII, VIII, AND X OF THE AMENDED COMPLAINT**

Defendant Together Rx LLC (“Together Rx”) and its member companies¹ (collectively, the “Together Rx Defendants”) hereby submit their Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6). In support of this Motion, the Together Rx Defendants have filed, and incorporate by reference herein, The Together Rx Defendants’ Brief in Support of their Motion to Dismiss Counts V, VI, VII, VIII, and X of the Amended Complaint.

WHEREFORE, the Together Rx Defendants respectfully request that this Court grant their Motion and dismiss the Amended Master Consolidated Class Action Complaint (“AMCC”) as against them.

¹ The member companies of Together Rx are: Abbott Laboratories; AstraZeneca Pharmaceuticals LP; Aventis Pharmaceuticals Inc.; Bristol-Myers Squibb Company; SmithKline Beecham Corporation d/b/a GlaxoSmithKline; Janssen Pharmaceutical Products, L.P. and McNeil-OPC, Inc. (both affiliates of Johnson & Johnson); and Novartis Pharmaceuticals Corporation.

Respectfully submitted,

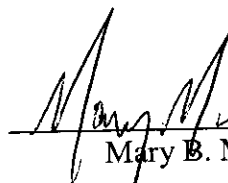


Joseph L. Kociubes, BBO # 276360
Charles L. Solomont, BBO #557190
Mary B. Murrane, BBO # 644448
BINGHAM McCUTCHEN LLP
150 Federal Street
Boston, MA 02110
(617) 951-8000

Dated: August 1, 2003

CERTIFICATE OF SERVICE

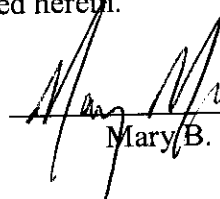
I certify that on August 1, 2003, a true and correct copy of the above document was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.



Mary B. Murrane

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that on July 31, 2003 a conference was held between Mary B. Murrane, counsel for The Together Rx Defendants, and Thomas M. Sobol, counsel for Plaintiffs, in a good faith attempt to resolve or narrow the issues presented herein.



Mary B. Murrane